

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2713 of 2015

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Saroj Devi wife of Rajendra Pandey Resident of Village - Dih Baghi, P.S. - Kateya,
District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Deputy Director, Welfare, Saran Division, Chapra.
4. The District Programme Officer, Gopalganj.
5. The Child Development Project Officer, Kateya, District - Gopalganj.
6. Sunita Devi wife of Mithilesh Kumar Pandey Resident of Village - Dih Baghi,
P.S. - Kateya, District - Gopalganj.

.... Respondent/s

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For the Petitioner/s	:	Mr Jagannath Singh, Advocate
For the S t a t e	:	Mr Manoj Kr, AC to GP IV
For Respondent No 6	:	Mr Y V Giri, Sr Advocate with M/s Sumir Kr Jha, Ashish Giri, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner, respondent-
State as well as respondent No 6.

2 Writ petition has been filed challenging the order passed by the District Programme Officer, Gopalganj affirming the appointment of respondent No 6 in Angan Bari Case No 10 of 2014 under order dated 21.10.2014. Angan Bari Appeal No 59 of 2014 against the said order has been rejected by order dated 08.01.2015 affirming the selection of respondent No 6. The appellate order is also under challenge in the instant proceedings.

3 Petitioner's counsel submits that the petitioner was the candidate having highest marks being 73.6% whereas respondent No 6 was having 57.5% marks. It is his submission that respondent No 6



was ineligible for consideration in terms of Guidelines 4.8 (B) since the father-in-law of respondent No 6 was a Ward Counsellor. It is also submitted that the petitioner has wrongly been disqualified on ground of her being overage, that is, being above 45 years at the time of consideration. It is submitted that the matriculation certificate showing her date of birth as 1988 was required to be considered because as per the same, she was within the requisite age that is between 18 to 40 years.

4 This Court has gone through the two orders passed by the District Programme Officer and the Deputy Director (Welfare) in Angan Bari Case No 10 of 2014 and Angan Bari Appeal No 59 of 2014 respectively. All the issues have been considered by the detailed order. The fact that petitioner was having highest marks has also been considered in the order passed by the authorities. The finding of fact is that on 15.05.2013, father-in-law of respondent No 6 has already put his resignation and the same was also accepted in the same month. The selection was carried on much later in November 2013, i e, 27.11.2013. The other aspect which the petitioner's counsel has agitated regarding her age as per matriculation certificate being considered as the factor for determination of her age as on the date of appointment, this Court would note that the authorities in the two orders considered the various documents and affidavits filed in the proceedings. Matriculation certificate of the daughter of the petitioner



has also been placed in the proceedings showing her to be 1997 born. This fact has weighed before the authorities in rejecting the petitioner's claim since the age difference between the petitioner (mother) and the daughter on the basis of their respective matriculation certificates comes to about 9 years. Clearly, such a situation cannot be visualized as being genuine. Other affidavits have been filed and the voters' list showing the petitioner's entry has also been considered by the authorities which points out that the age of the petitioner at the time of selection was 43 years.

5 In view of the aforesaid findings of facts being consistently arrived at by the District Programme Officer in Angan Bari Case No 10 of 2014 as well as the order passed by the Deputy Director (Welfare) in Angan Bari Appeal No 59 of 2014, this Court does not consider it appropriate or necessary to pass any order in favour of the petitioner as the findings of facts have been concluded consistently.

6 The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2018
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